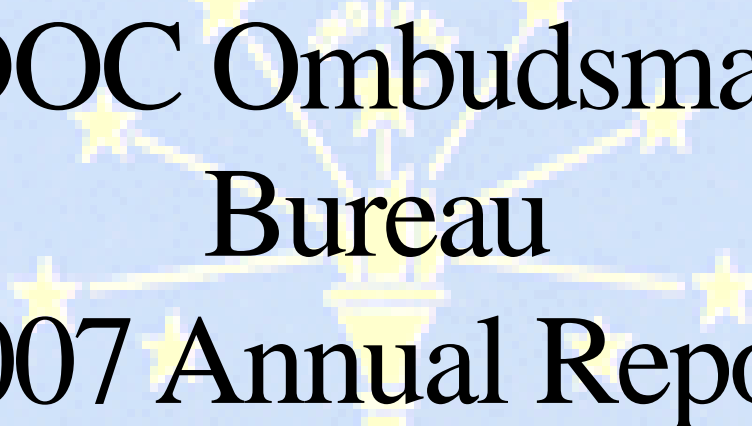


# Indiana DOC Ombudsman Bureau

---

402 W. Washington Room W479  
Indianapolis IN 46204

The background of the central graphic is the Indiana State Seal, which features a blue field with a yellow torch in the center, surrounded by yellow stars.

## DOC Ombudsman Bureau 2007 Annual Report

*A synopsis of the 2007 DOC Ombudsman  
Bureau Activity*

January 24, 2008

Dear Governor Daniels, Commissioners Donahue and Henderson, the Honorable Speaker and President Pro Tem,

I have the honor of submitting to you the 2007 Annual Report of the Department of Correction Ombudsman Bureau as required by I.C. 4-13-1.2-10.

Sincerely,

A handwritten signature in black ink, reading "Charlene A. Burkett". The signature is written in a cursive, flowing style.

Charlene A. Burkett  
DOC Ombudsman Bureau Director

## TABLE OF CONTENTS

Ombudsman's Message.....	4
The Year in Review .....	5
The Complaint Resolution Process.....	8
Summary of Selected Substantiated Cases .....	10
Outreach Activities.....	14
Training .....	14
Looking into the Future.....	15
<b>Attachments:</b>	
2007 Complaint Totals.....	A
How Complaints Were Received in 2007.....	B
2006 and 2007 Complaint Totals.....	C
Total Complaints Received by Month 2005-07.....	D
Total Complaints Investigated by Month 2005-07.....	E
Total Complaints Substantiated by Month 2005-07.....	F
Total Complaints Closed by Month 2007-07.....	G
Aveg Number Days Complaints Open 2006 and 2007.....	H
Complaints Received by Type 2005-07.....	I
Complaints Totals by Facility and Type 2007.....	J

## **Ombudsman's Message**

The purpose of the Department of Correction Ombudsman Bureau Annual Report is to provide an account to the Governor, Legislature, Commissioners, and public that the Bureau has fulfilled its statutory duties as prescribed in IC §4-13-1.2-1-12. The duties set forth in these statutes, however, represent the Bureau's minimum responsibilities. This annual report not only outlines the Bureau's fulfillment of the minimum statutory requirements, but also delineates the many other Bureau responsibilities that were not anticipated by statute, but are necessary functions nonetheless.

This year has marked another year of the DOC ("Department of Correction") Ombudsman Bureau operating its complaint resolution process - a statutory function of the Bureau. The Bureau has investigated and responded to complaints in a timely manner – also statutory functions of the Bureau.<sup>1</sup> The Bureau also continued its efforts to communicate with the Department of Correction, relaying information to the Department<sup>2</sup> as necessary. Developing and maintaining these contacts and sharing information with the Department are not functions described in statute; however, they are essential to the Bureau's operations.

On behalf of the Ombudsman Bureau, I would like to extend my sincerest appreciation to Commissioner Donahue for his continued support of the Bureau. Without this support, the Bureau could not operate as efficiently or as effectively. The Bureau was able to decrease its average number of days complaints were open in 2007 from 4.2 in 2006 to 3.6 days in 2007. The number of complaints received for the year 789 is

---

<sup>1</sup> See Attachment H

<sup>2</sup> Department is used throughout this report to refer to the Indiana Department of Correction.

significantly less than the 1123 received in 2006, which reflects the resolution based system of the Department of Corrections.

The Bureau would further like to thank all of those who provided cooperation throughout the Department of Correction and responded so timely to the inquiries of the Bureau. Without this cooperation, the Bureau would not have been able to investigate complaints in a timely manner.

### **The Year in Review**

The Ombudsman Bureau set five goals for 2007. These goals are not delineated statutorily, but are functions necessary for the operation of the Bureau and are an effort to increase the Bureau's utility to the Department and the offender population. The goals and results follow.

#### **1. Generate monthly reports by the tenth of each month and send the reports to the DOC and IDOA Commissioners, Superintendents, and Representative Vernon Smith.**

The Bureau sent monthly reports to Commissioners Donahue and Henderson, facility superintendents, and Rep. Vernon Smith and strengthened these reports further using input from the Department of Correction. By incorporating suggestions from the Department of Correction, the Bureau has improved its reporting format. The Bureau now provides a synopsis of activity as a cover page in each monthly report and includes on that page a breakdown of complaints received for the month, the facilities from which those complaints are received, and the subject matter of the complaints. In addition, the Bureau now sends reports to each facility and has had feedback from the facilities that these reports are useful.

**2. Continue to build relationships with offenders and staff by having at least one (1) meeting at each DOC facility.**

Recognizing that personnel changes occur, when Director Burkett visited facilities to investigate complaints in 2007, she introduced herself to each facility's new personnel. In doing, the Director made sure that the Bureau maintained contacts at each facility regardless of personnel changes.

To supplement this activity, the Director also continues to send an e-mail to any new key personnel, introducing herself and informing the new personnel that the Bureau may need to contact the person in the future in resolution of a complaint.

Meetings were held with offenders at Branchville Correctional Facility, Westville Correctional Facility, Plainfield Correctional Facility, Putnamville Correctional Facility, Indiana State Prison, Pendleton Correctional Facility, Miami Correctional Facility, and Rockville Correctional Facility. These facilities represent the facilities from which the Bureau receives the largest number of complaints; therefore, the Bureau found it important to meet with offenders at these facilities.

Though meetings were not held at all of DOC facilities in 2007, the Ombudsman Bureau DVD was shown to every offender who entered the DOC at the Reception Diagnostic Center. This ensures that the offenders are informed of the functions of the Bureau and how to file complaints with the Bureau.

**3. Work with the Department of Correction to obtain a list of resources to provide to offenders upon re-entry.**

The most recent list from the Department of Correction was obtained, as were individual lists compiled by each facility. The Bureau added to these lists resources determined

through working in corrections. The Bureau can now provide this more extensive listing of information to offenders, should they request it.

**4. Foster communication with county sheriffs and judges to inform such offices of the functions of the Bureau.**

The Bureau sent letters addressed to all the county sheriffs in Indiana as well as judges explaining its functions. Feedback from these letters included further inquiry into the Bureau's functions. This ensures that the County Sheriffs and Judges are aware of the existence of the Bureau and, should the need arise, can refer offenders to the Bureau.

**5. Continue to strengthen relationships with outside interest groups through communications on a semi-annual basis.**

In 2007, the Bureau kept in contact with CURE ("Citizens United for Rehabilitation of Errants") and continues to address the organization's concerns and complaints. The members of CURE have also referred offenders and family members to the Bureau.

## **The Complaint Resolution Process**

### *Complaint Origination:*

The Ombudsman Bureau receives complaints from offenders as well as many other sources, including the Governor's Office, legislators, family members of offenders, and other governmental agencies.

### *Jurisdiction of the Bureau:*

IC 4.12.1.2-2 is very specific concerning the jurisdiction of the Bureau. It limits the Bureau to "investigate and resolve complaints that the Department of Correction endangered the health or safety of any person, or that the Department of Correction violated specific laws, rules, or written policies."

### *The Complaint Process:*

Once the Bureau receives a complaint, it determines whether the matter falls under its jurisdiction. If it is within the Bureau's jurisdiction, the complaint is reviewed to determine if the facility has already attempted to resolve the issue. The Bureau requires that any offender who submits a complaint must first attempt to resolve the complaint using the facility-level complaint resolution process. If the offender has prematurely contacted the Bureau, the Bureau directs the offender to use the proper facility process and lets the offender know when it would be appropriate to contact the Bureau.<sup>3</sup> Please note that the Bureau does have some latitude in enforcement of this requirement. When the Bureau is contacted concerning an imminent matter of offender safety or health, the Bureau immediately investigates the matter, before ensuring the

---

<sup>3</sup> Please note that the Bureau does not send letters of receipt to offenders. Due to the response time of averaging within eight days of receipt, the Director does not find it necessary to send out such letters.



offender has already filed a grievance or used the facility-level resolution process.<sup>4</sup> Even in these cases, however, the Bureau does stress to the complainant the importance of notifying the facility first and directs the complainant to use the proper channels in the future.

During preliminary review, the Bureau may determine that a complaint does not require further investigation because no violation of law, policy, or rule exists.

If the Bureau believes that it is necessary to receive further information regarding a matter, then an investigation commences. The investigation begins by contacting the necessary Department of Correction personnel. Once the Bureau reviews the matter with Department of Correction personnel, the Bureau determines whether the complaint is substantiated (found to be true) or not substantiated. In either case, the complainant is sent a letter once the investigation is completed informing the complainant of its findings during the investigation.<sup>5</sup>

---

<sup>4</sup> In most of these instances, however, the offender has already notified someone at the facility, but has just not received action.

<sup>5</sup> As required, per IC 4-13-1.2-5

## Summary of Selected Substantiated Cases <sup>6</sup>

### Correctional Industrial Facility – Clothing

**Nature of Complaint:** Offender is diabetic and cannot wear regular sized shoes. He has been fitted for special-order shoes, but none have been ordered to date.

**Recommendation:** Order offender special shoes if necessary.

**DOC Action:** Ordered shoes for offender.

---

### Miami Correctional Facility – Personal Property

**Nature of Complaint:** Offender was transferred to another facility and given another offender's property upon his arrival at the new facility.

**Recommendation:** Obtain the offender's property and return the property he incorrectly received.

**DOC Action:** Offender's property returned to him and other property retrieved so that it could be returned to its proper owner.

---

### Wabash Valley Correctional Facility – Medical

**Nature of Complaint:** Offender states that he has had tests done at the hospital and hasn't received the results.

**Recommendation:** Review offender's packet and determine if test results have been received. If not, obtain test results.

**DOC Action:** Because offender was transferred after hospital visit, test results were never obtained. Obtained test results from recent visit.

---

### Putnamville Correctional Facility – Credit Time

**Nature of Complaint:** Offender claims that he was told if he showed proof to a classification officer that he didn't have a substance abuse problem then he would be given credit time.

**Recommendation:** Review matter to determine if true and proof has been shown.

---

<sup>6</sup> This section contains merely a selection of the 61 substantiated cases for 2007. For a complete list, please contact the Ombudsman Bureau.

**DOC Action:** Reviewed and determined that proof was properly shown. Thus, asked offender to resubmit paperwork and time cut would be processed.

---

**Miami Correctional Facility – Personal Property**

**Nature of Complaint:** Offender filed a grievance claiming that his property had been taken before he went into segregation and it was never returned. Grievance had not been answered and it was filed in August.

**Recommendation:** Review and respond to grievance.

**DOC Action:** Reviewed and determined that grievance was never answered and provided assistance to offender.

---

**Miami Correctional Facility – Visitation**

**Nature of Complaint:** Offender has Visitation With Minors Restriction (“VMR”), but says that he qualifies for visits with his children. Also cannot obtain a copy of his visiting list.

**Recommendation:** Review whether offender qualifies for visitation and have offender give counselor a copy of visitation list.

**DOC Action:** Visiting list was corrected and VMR was signed by facility.

---

**Pendleton Correctional Facility – Religious**

**Nature of Complaint:** Aramark supervisor took offender’s vegetarian diet card. Offender is a Seventh Day Adventist and had the vegetarian diet approved by the Chaplain.

**Recommendation:** Provide offender with vegetarian diet card.

**DOC Action:** Diet card was provided.

---

**New Castle Correctional Facility – Medical**

**Nature of Complaint:** Offender complained of a hernia that he wants to have evaluated for surgery. Evaluation has not been performed by medical.

**Recommendation:** Review chart to determine if evaluation is necessary and schedule as needed.

**DOC Action:** Chart reviewed and evaluation was never performed. Evaluation has now been scheduled.

---

#### **Rockville Correctional Facility – Disciplinary Action**

**Nature of Complaint:** Offender was written up and found guilty of self manipulation. Her appeal to the facility-level has not received a response.

**Recommendation:** If appeal not already received, allow offender to submit her appeal for review.

**DOC Action:** Superintendent Stout has agreed to consider and respond to an appeal if the offender submits it. Informed offender to submit appeal to Superintendent Stout.

---

#### **Wabash Valley Correctional Facility – Officer Misbehavior**

**Nature of Complaint:** Offender is being housed in a PC (“Protective Custody”) Unit at WVCF and doesn't feel safe. Additional correspondence from offender stated that he had been written up for a conduct report as a result of a move due to contact from the Ombudsman Bureau.

**Recommendation:** Facility personnel and Ombudsman Director determined that due to information received it would be best to move the offender. Offender then received conduct report for this. Recommended conduct report be dismissed.

**DOC Action:** Conduct report was dismissed.

---

#### **Putnamville Correctional Facility – Officer Misbehavior**

**Nature of Complaint:** Offender complains that two officers came into the dorm and dragged him outside, assaulted him, and put him into a cell in segregation. One of the officers returned a couple hours later and told him to “just forget about it.”

**Recommendation:** Referred to IA (“Internal Affairs”) for review.

**DOC Action:** Investigated matter and referred to Assistant Superintendent.

---

#### **Westville Correctional Facility – Medical Care**

**Nature of Complaint:** Offender not receiving proper medication.

**Recommendation:** Review offender's packet to ensure he is receiving the correct medication.

**Action:** Upon review of offender's packet, determined that a non-formulary request was denied and a formulary was recommended. The offender never received the formulary, nor was it ordered. The offender has now been given the formulary.

---

**Miami Correctional Facility – Medical Care**

**Complaint:** Received from family member. Concerned because offender is losing weight and unable to eat. Offender passed away shortly thereafter.

**Recommendation:** Review treatment.

**DOC Action:** Deferred to Dr. Amos. Dr. Amos pursued matter with Wishard Hospital and Correctional Medical Services.

---

## **Outreach Activities**

- Director Burkett made many visits to DOC facilities, both announced and unannounced. In March, she re-instituted offender meetings at the largest DOC facilities and facilitated these meetings at Branchville, Putnamville, Plainfield, ISP, Pendleton, Miami, and Rockville. She made numerous trips to ISP, Miami, Rockville, Westville, New Castle, Correctional Industrial Facility, and Plainfield to investigate cases and strengthen contacts at facilities.
- Director Burkett also worked to have the Ombudsman Bureau DVD shown at the Reception Diagnostic Center. Now, every offender entering the DOC is informed of the Ombudsman Bureau, its responsibilities, and its authority. This DVD is shown during facility orientations at ISP, Plainfield Correctional Facility, Branchville Correctional Facility, and Putnamville Correctional Facility.
- Director Burkett spoke to the internal affairs officers at the New Castle Correctional Facility during department-wide training. Director Burkett personally introduced herself to the officers so that when she contacts them they will know who she is and be willing to share information, which opened a critical line of communication.

## **Training**

- Director Burkett completed the 40 hour course required by the ABA and received a Certificate in Public Policy Mediation from IUPUI Law School.

- Director Burkett attended the United States Ombudsman Association Conference.

Highlights:

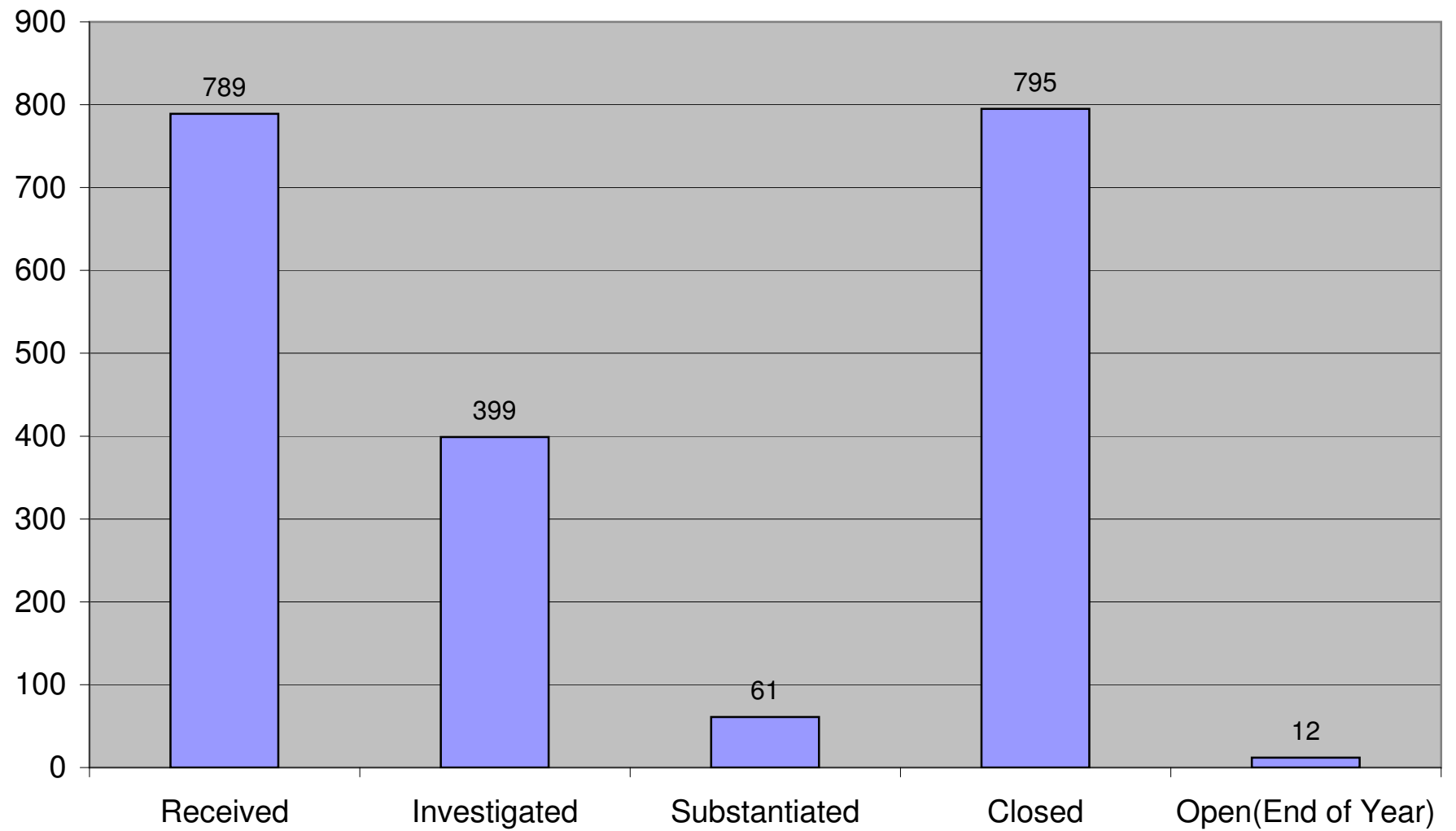
- Attended session on legal issues in the Ombudsman world;
- Attended a Corrections Chapter session, which included a discussion of mental health issues in corrections; and
- Attended a session on methods for self-evaluation.

### **Looking into the Future**

The Ombudsman Bureau has set the following goals for the year 2008:

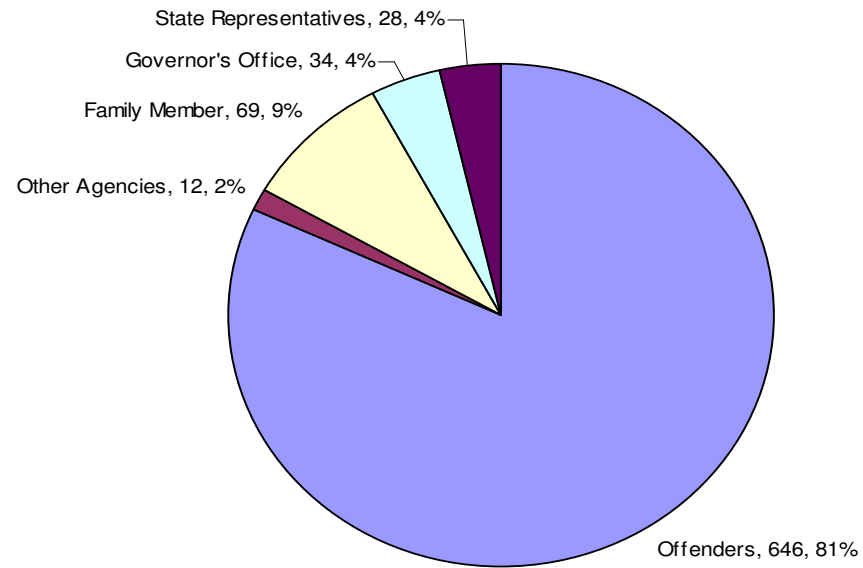
1. Continue the timely resolution of complaints.
2. Finalize refined policies and procedures for the Bureau.
3. Continue to send monthly reports the DOC Commissioner, IDOA Commissioner, and Representative Vernon Smith.
4. Continue to raise awareness about the Bureau both within the Department and outside the Department.

## 2007 Complaint Totals

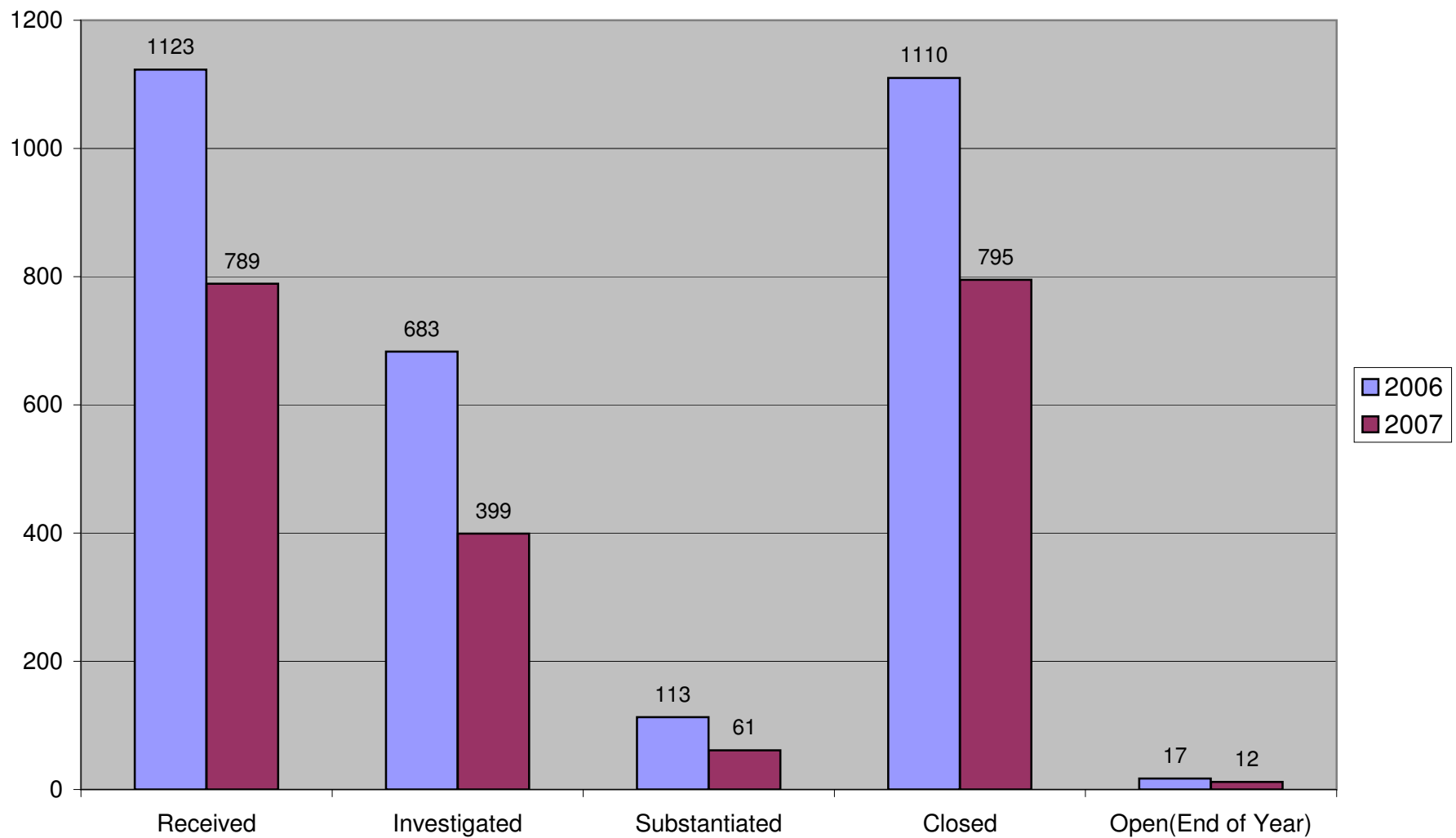




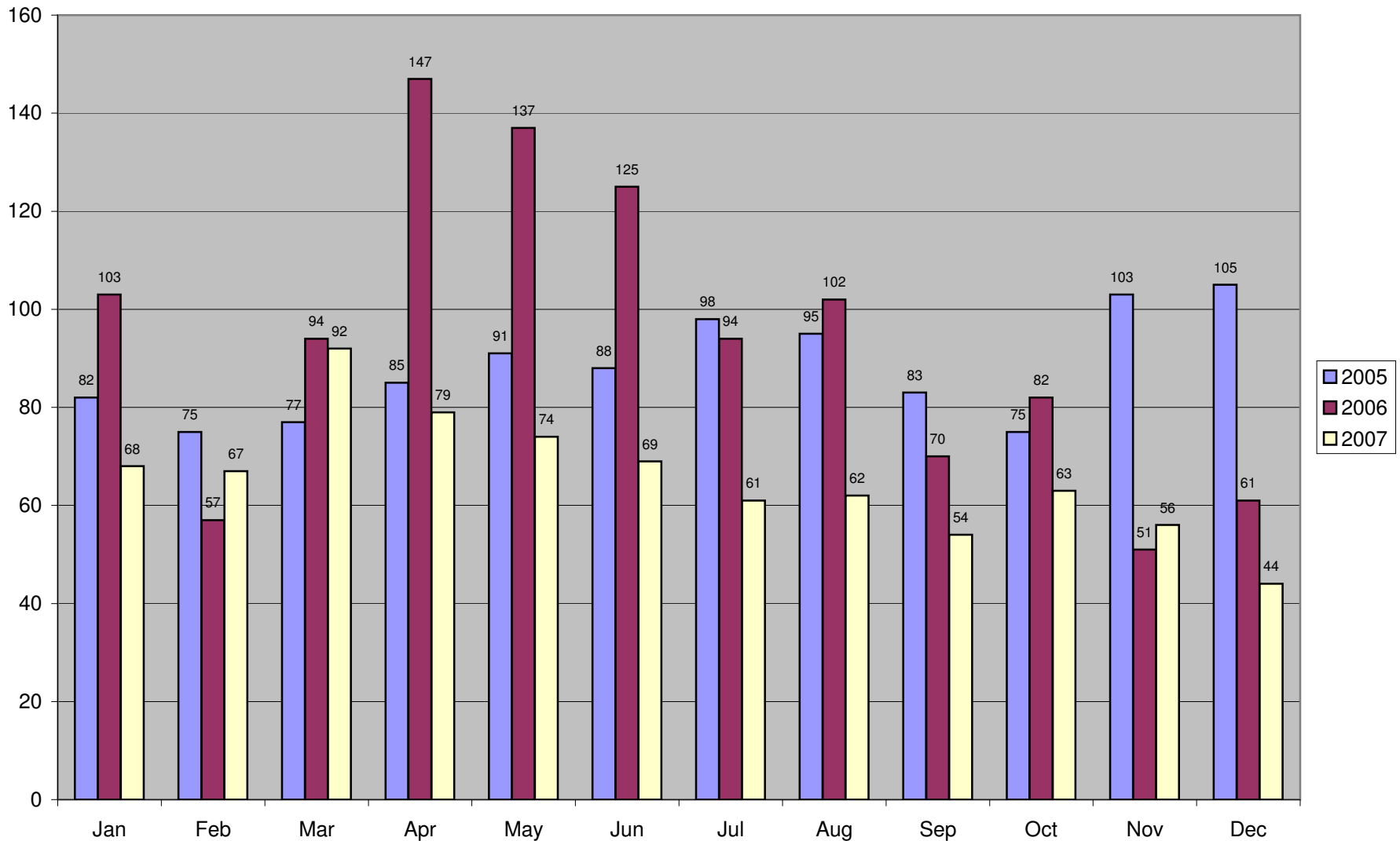
### How Complaints Were Received in 2007



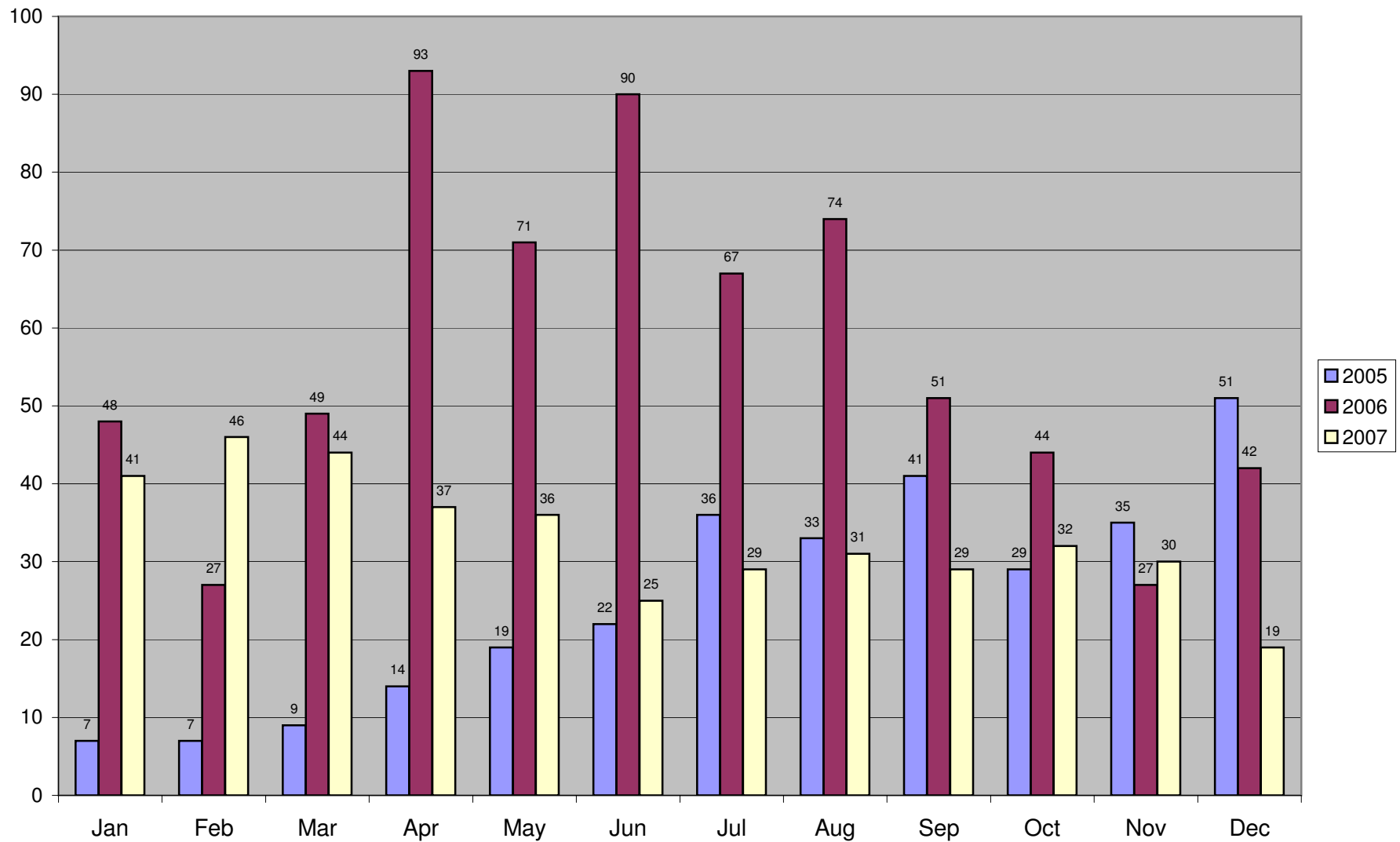
## 2006 and 2007 Complaint Totals



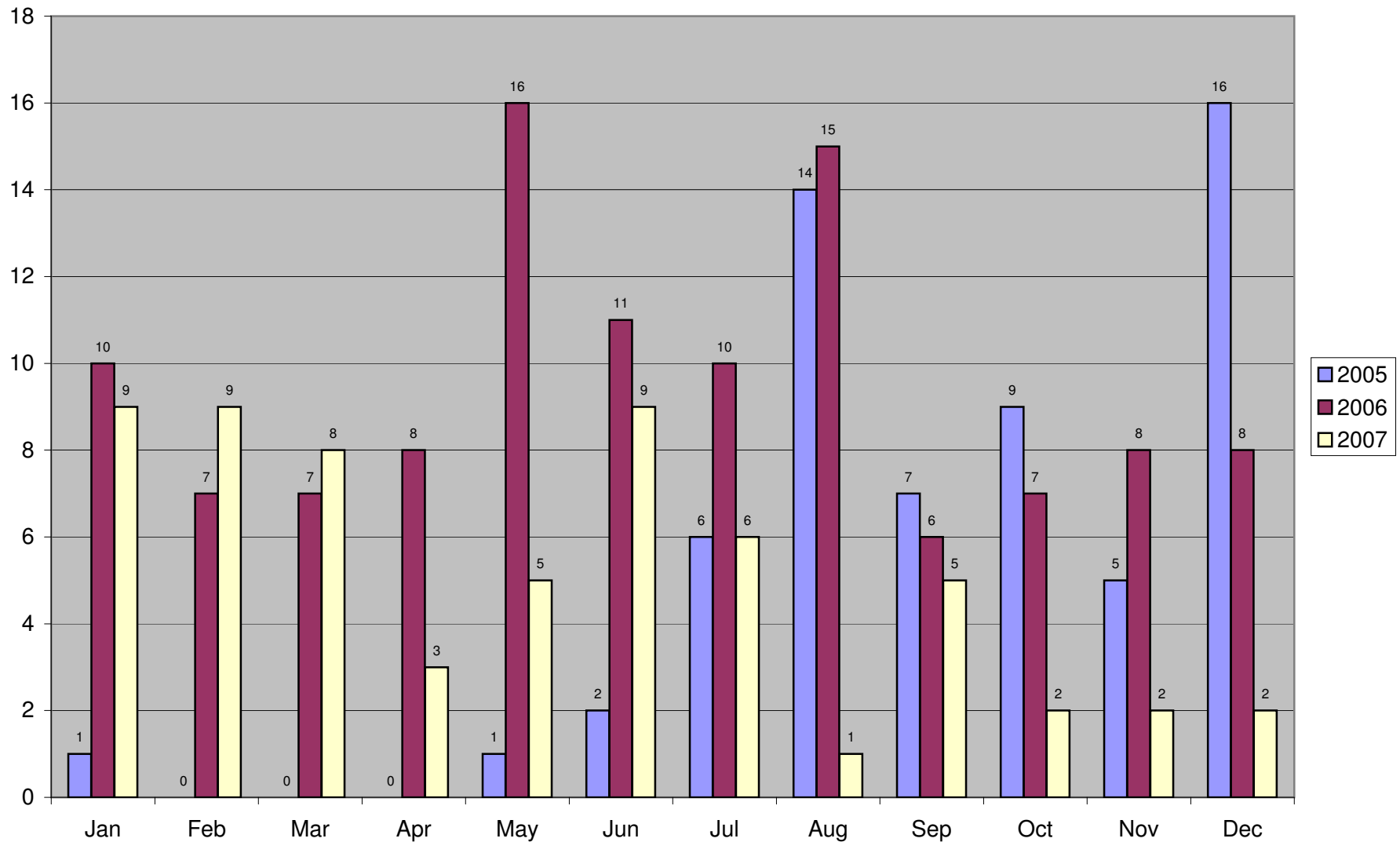
**Total Complaints Received by Month in 2005, 2006, and 2007**



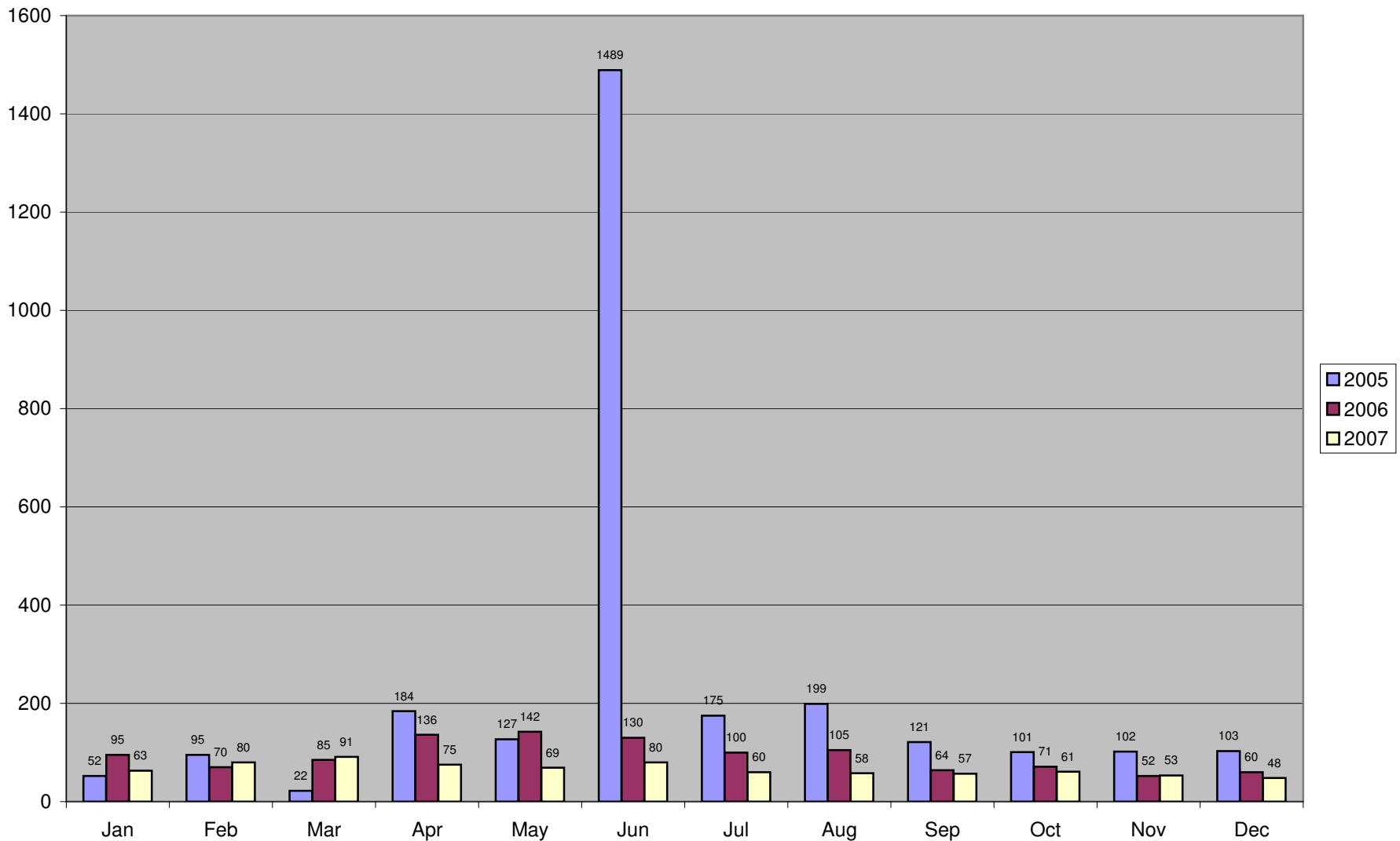
**Total Complaints Investigated by Month in 2005, 2006, and 2007**



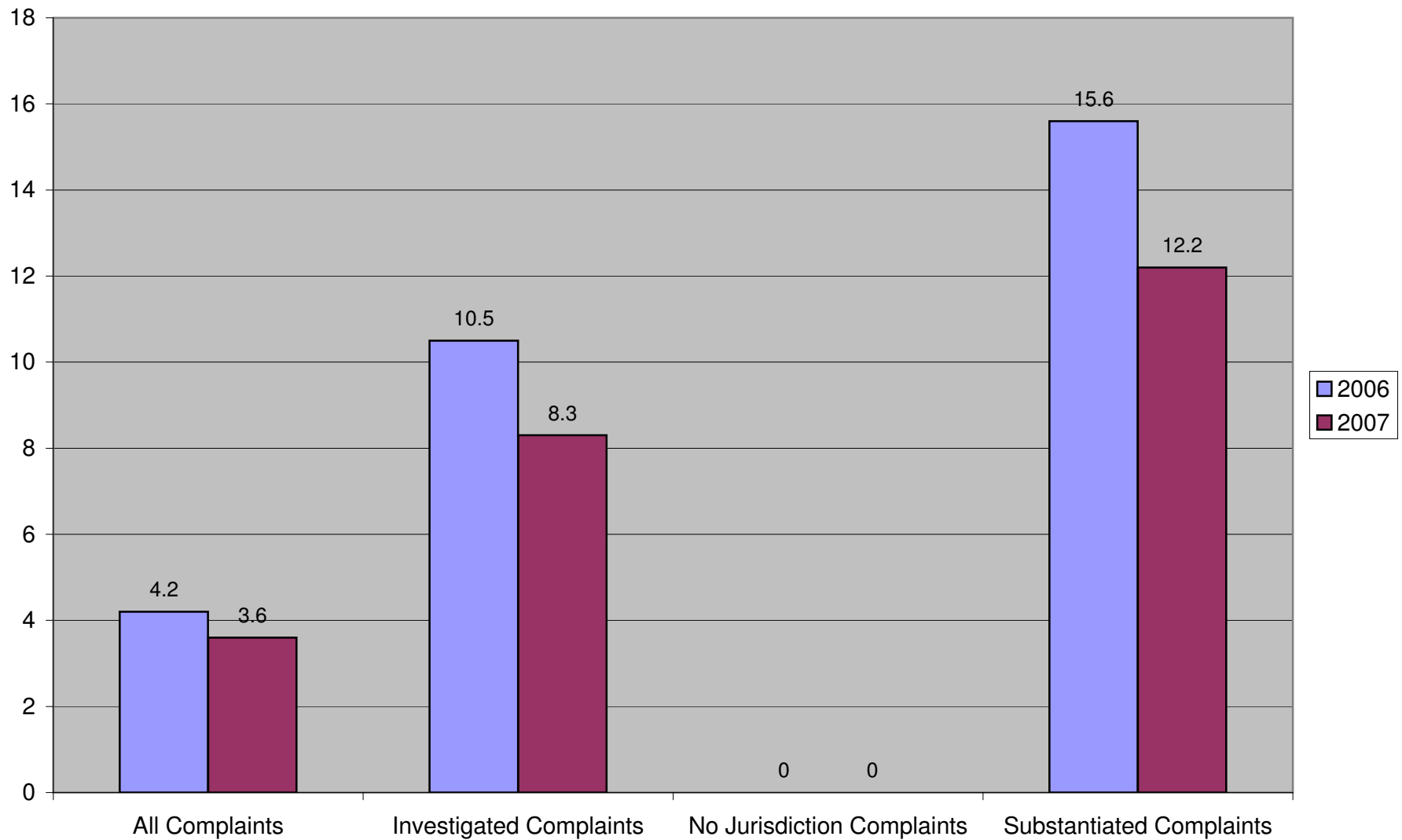
**Total Complaints Substantiated by Month in 2005, 2006, and 2007**



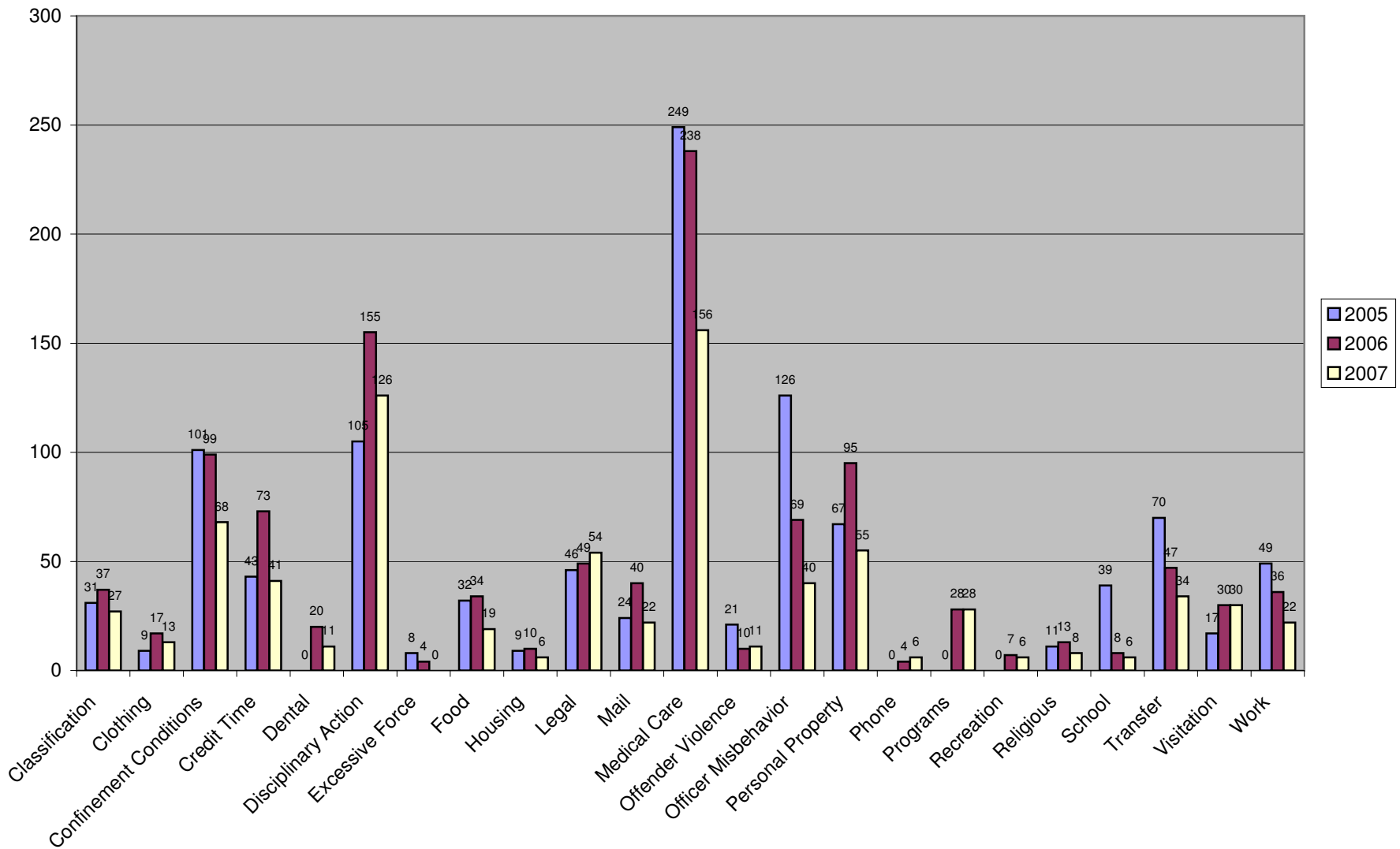
**Total Complaints Closed by Month in 2005, 2006, 2007**



**Average Number of Day Complaints were Open in 2006 and 2007**



**Total Complaints Received by Type in 2005, 2006, 2007**





Indiana Ombudsman Bureau  
Complaint Summary Report

2007

Received, Investigated, Substantiated

2007	Received, Investigated, Substantiated																								
		BTC	CIC	COL	COUN	HCF	ECF	IMW	ISF	ISP	ISR	IYC	REF	MCF	NCF	MYC	OTHR	RDC	SBW	WCC	WVC	IWP	MCU	RTC	IGS
Classification	<b>27,14,2</b>	2,0,0	1,0,0			1,1,0			1,0,0	1,0,0	4,4,2	2,2,0		4,2,0	2,0,0		1,0,0	2,1,0		3,2,0	3,2,0				
Clothing	<b>13,7,3</b>		0,0,1			1,1,0				3,2,1	1,1,1	4,1,0		2,2,0									1,0,0	1,0,0	
Confinement Condition	<b>68,42,6</b>	2,1,0	3,0,0		3,3,1			1,1,0	10,7,1	3,3,0	5,3,1	4,2,0		5,3,1	8,4,0		1,0,0	3,1,1		6,4,0	11,8,1		1,0,0	2,2,0	
Credit Time	<b>41,20,1</b>	2,2,0	1,1,0	1,0,0					5,3,1	2,1,0	2,2,0	7,2,0	1,1,0	7,5,0	3,1,0				1,0,0	3,1,0	3,1,0			4,0,0	
Dental	<b>11,3,0</b>	3,0,0	1,0,0							1,0,0	1,1,0	2,1,0		2,1,0						1,0,0					
Disciplinary Action	<b>126,43,7</b>	9,4,1	8,3,0		1,0,0		1,0,0		9,2,0	6,3,0	13,6,1	4,0,0		14,6,0	17,4,2		1,0,0	4,2,1		13,2,0	15,6,0	3,0,0	1,0,0	6,3,2	1,1,0
Excessive Force																									
Food	<b>19,12,1</b>									4,1,0	3,2,1	1,0,0		2,1,0	1,1,0					5,4,0	3,3,0				
Housing	<b>6,6,1</b>										3,3,0									2,1,1	1,1,0				
Legal	<b>54,16,2</b>	4,3,0	3,1,0		5,3,0				1,0,0	2,0,0	2,0,0	3,0,0		11,3,1	4,3,0		4,0,0			3,0,0	7,1,1	1,0,0		3,1,0	1,1,0
Mail	<b>22,12,1</b>		1,1,0							2,1,0	1,1,0	3,1,0		2,1,0	2,2,0	1,0,0				2,1,0	4,2,0	2,1,0		2,1,1	
Medical Care	<b>156,90,12</b>	10,4,0	8,4,0	1,1,0	3,1,0				5,1,0	17,11,1	8,6,1	11,8,1		27,18,3	14,8,1			1,1,0		18,10,1	27,12,4	3,1,0		4,2,0	
Offender Violence	<b>11,10,1</b>									2,2,0	2,2,0	1,1,0		3,3,0			1,0,0			1,1,0	1,1,1				
Officer Misbehavior	<b>40,31,6</b>		1,1,0				1,1,0		5,4,1	7,6,1	2,2,0	1,1,0		3,3,1	1,0,0		1,0,0		1,1,0	6,3,0	9,7,2		1,1,1	1,1,0	
Personal Property	<b>55,21,9</b>	2,0,0	4,0,0					1,1,1	1,1,0	7,3,0	6,2,2	5,3,2	1,1,1	7,4,2	4,1,0			1,0,0		3,1,0	11,4,1			2,0,0	
Phone	<b>6,2,0</b>				2,0,0						1,1,0	1,0,0		1,1,0			1,0,0								
Programs	<b>28,19,0</b>	3,2,0	2,2,0	2,1,0						4,2,0		3,2,0		3,2,0	2,0,0					6,5,0	2,2,0	1,1,0			
Recreation	<b>6,2,1</b>	1,0,0							1,0,0	2,1,0	1,1,1				1,0,0										
Religious	<b>8,6,1</b>				1,0,0					2,2,0	1,1,1	1,1,0		3,2,0											
School	<b>6,2,1</b>											3,1,1				1,1,0					1,0,0			1,0,0	
Transfer	<b>34,21,4</b>			1,1,0	1,1,0				3,1,0	4,2,0	2,2,2	1,0,0		5,1,0	7,7,0		1,0,0			3,1,0	6,5,2				
Visitation	<b>30,12,2</b>	2,2,0	1,1,0							5,2,0	3,0,1	4,2,1		5,2,0				1,0,0		3,0,0	2,1,0	4,2,0			
Work	<b>22,13,0</b>	2,1,0					2,2,0	1,1,0		3,1,0	3,2,0	1,1,0		5,3,0					1,1,0	3,0,0		1,1,0			
<b>Received</b>	<b>789</b>	<b>42</b>	<b>34</b>	<b>5</b>	<b>15</b>	<b>2</b>	<b>4</b>	<b>3</b>	<b>41</b>	<b>77</b>	<b>64</b>	<b>62</b>	<b>2</b>	<b>111</b>	<b>65</b>	<b>2</b>	<b>11</b>	<b>12</b>	<b>3</b>	<b>81</b>	<b>106</b>	<b>15</b>	<b>4</b>	<b>26</b>	<b>2</b>
<b>Investigated</b>	<b>399</b>	<b>19</b>	<b>14</b>	<b>3</b>	<b>8</b>	<b>2</b>	<b>3</b>	<b>3</b>	<b>19</b>	<b>43</b>	<b>42</b>	<b>29</b>	<b>2</b>	<b>63</b>	<b>29</b>	<b>1</b>	<b>0</b>	<b>5</b>	<b>2</b>	<b>36</b>	<b>57</b>	<b>5</b>	<b>2</b>	<b>10</b>	<b>2</b>
<b>Substantiated</b>	<b>61</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>14</b>	<b>5</b>	<b>1</b>	<b>8</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>12</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>0</b>